IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH
S.B. Civil Writ Petition No.3459/06
Smt. Mamtesh Bhardwaj Vs. State of Raj. & Ors.

13.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Arvind Kumar Sharma for petitioner.

Heard learned counsel for the petitioner.

The petitioner in this writ petition has challenged the order dated 3.12.2004 Annexure-22 whereby the demand of a sum of Rs.1,49,741/- as royalty has been raised against him by the Mining Engineer, Karauli.

Learned counsel for the petitioner submits that the calculation of the due amount of royalty has not been correctly made in as much as many deposits made by

the petitioner have not been taken in account. He submits that the petitioner has demanded from the Mining Engineer, the particulars as to on what basis, the aforesaid amount of royalty has been determined but so far no details have been furnished to him.

Having heard the learned counsel for the petitioner, I find that the writ petition cannot be entertained directly against the assessment order, but the grievance which the petitioner is raising is justified to the extent that he should be appraised of the details / particulars of the royalty so that he can settle the accounts by showing to the respondents as to what amount he has already deposited.

It is therefore directed that the petitioner should make a representation to the Mining Engineer, Karauli within a

period of two weeks giving all the details which he wants him to take into consideration and the Mining Engineer, Karauli treating the order dated 3.12.2004 as the show cause notice, shall furnish him all the details and particulars as to on what basis a sum of Rs.1,49,741/- has been determined as due against the petitioner and thereafter pass a fresh order regarding the due amount of royalty. In case any adverse order is passed against the petitioner, he will be free to approach the Director of Mining by filing appeal under Section 43 of the Rules.

With these observations, the writ petition is disposed of.

(Mohammad Rafiq),J.

Rs/-